

## PENDING CLAIMS AS AMENDED

Please amend the claims as follows:

Please cancel claims 1-6, 8, 10-31, and 33.

1 - 6. (Canceled)

7. (Currently amended) A method comprising steps of:  
supplying a sequence of code symbols to a rate decision block;  
said rate decision block determining a plurality of frame energies for said  
sequence of code symbols, each of said plurality of frame energies  
corresponding to one of a plurality of tentative frame rates;  
said rate decision block determining at least one final frame rate when said  
plurality of frame energies meet a desired condition, wherein said desired  
condition indicates whether a combination of said plurality of frame energies  
exceeds a threshold energy.

~~The method of claim 6~~ wherein said combination of said plurality of frame energies comprises obtaining respective results of multiplications of each one of said plurality of frame energies by respective parameters and adding said respective results.

8. (Canceled)

9. (Currently amended) A method comprising steps of:  
supplying a sequence of code symbols to a rate decision block;  
said rate decision block determining a plurality of frame energies for said  
sequence of code symbols, each of said plurality of frame energies  
corresponding to one of a plurality of tentative frame rates;  
said rate decision block determining at least one final frame rate when said  
plurality of frame energies meet a desired condition, wherein said desired

condition indicates whether a combination of said plurality of frame energies and a pilot channel energy exceed a threshold energy.

~~The method of claim 8~~ wherein said combination of said plurality of frame energies and said pilot channel energy comprises obtaining respective results of multiplications of each one of said plurality of frame energies and said pilot channel energy by respective parameters and adding said respective results.

10 – 31 (Canceled)

32. (Currently amended) A receiver comprising:  
a decoder configured to receive and decode a sequence of code symbols;  
a rate decision block coupled to an output of said decoder, said rate decision block configured to determine a plurality of frame energies for said sequence of code symbols, each of said plurality of frame energies corresponding to one of a plurality of tentative frame rates;  
said rate decision block further configured to determine at least one final frame rate when said plurality of frame energies meet a desired condition, wherein said desired condition indicates whether a combination of said plurality of frame energies exceeds a threshold energy.

~~The receiver of claim 31~~ wherein said combination of said plurality of frame energies comprises obtaining respective results of multiplications of each one of said plurality of frame energies by respective parameters and adding said respective results.

33. (Canceled)

34. (Currently amended) A receiver comprising:  
a decoder configured to receive and decode a sequence of code symbols;  
a rate decision block coupled to an output of said decoder, said rate decision block configured to determine a plurality of frame energies for said sequence of

code symbols, each of said plurality of frame energies corresponding to one of a plurality of tentative frame rates;

said rate decision block further configured to determine at least one final frame rate when said plurality of frame energies meet a desired condition, wherein said desired condition indicates whether a combination of said plurality of frame energies exceeds a threshold energy,

~~The method of claim 33~~ wherein said combination of said plurality of frame energies and said pilot channel energy comprises obtaining respective results of multiplications of each one of said plurality of frame energies and said pilot channel energy by respective parameters and adding said respective results.